



**John Villegas - Variance**  
**Project No. P25-052**



**SUMMARY**

Applicant's Request:	A variance of 15.81 feet to allow the existing home to maintain a rear yard setback of 9.19 feet.
Application Type:	Variance, Quasi-Judicial
Applicant/Owner:	Villegas, John
Address:	2681 SW Tanforan Blvd.
Location:	The property is located east of Imperial Street and north of SW Tanforan Boulevard.
Project Planner:	Ivan Betancourt, Planner I

### **Project Description**

The City of Port St. Lucie has received a request from John Villegas, the property owner, for a variance of 15.81 feet, which would allow the existing home to maintain a rear yard setback of 9.19 feet. Section 158.073(H)(3) of the City's Zoning Code states that all RS-2 zoned lots are required to maintain a minimum rear yard building setback of twenty-five (25) feet. The property subject to the variance request is located at 2681 SW Tanforan Blvd. The property is legally described as Port St. Lucie Section 35, Block 1828 Lot 2.

### **Background**

The existing residence on the subject property was originally constructed in 1994, with an intended rear yard setback of 47 feet, as shown in the attached Exhibit A survey. In January 2003, an addition was made to the home; however, no survey documentation is available from the time of that construction. A new survey, completed on March 5, 2025, during the applicant's efforts to sell the property, revealed that the residence encroaches into the required rear setback (see attached Exhibit B). According to Public Works staff, the original surveyor inaccurately surveyed the property, which led to the home addition being constructed within the rear yard setback area. In efforts to address this issue, Ordinance No. 25-40 was approved by the City Council on July 28, 2025, authorizing the abandonment of a portion of the twenty-foot-wide rear utility and drainage easement. This action was necessary due to the residence also encroaching into that easement.

### **Review Criteria**

An application for a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299. Final action on the application (approval or denial) is in the form of an Order of the Planning and Zoning Board following a quasi-judicial public hearing. A vote of approval by five (5) members of the Planning and Zoning Board is required to grant a variance.

### **Public Notice Requirements (Section 158.298 (B))**

Public notice was mailed to owners within 750 feet on August 21, 2025, and the file was included in the ad for the Planning & Zoning Board's agenda.

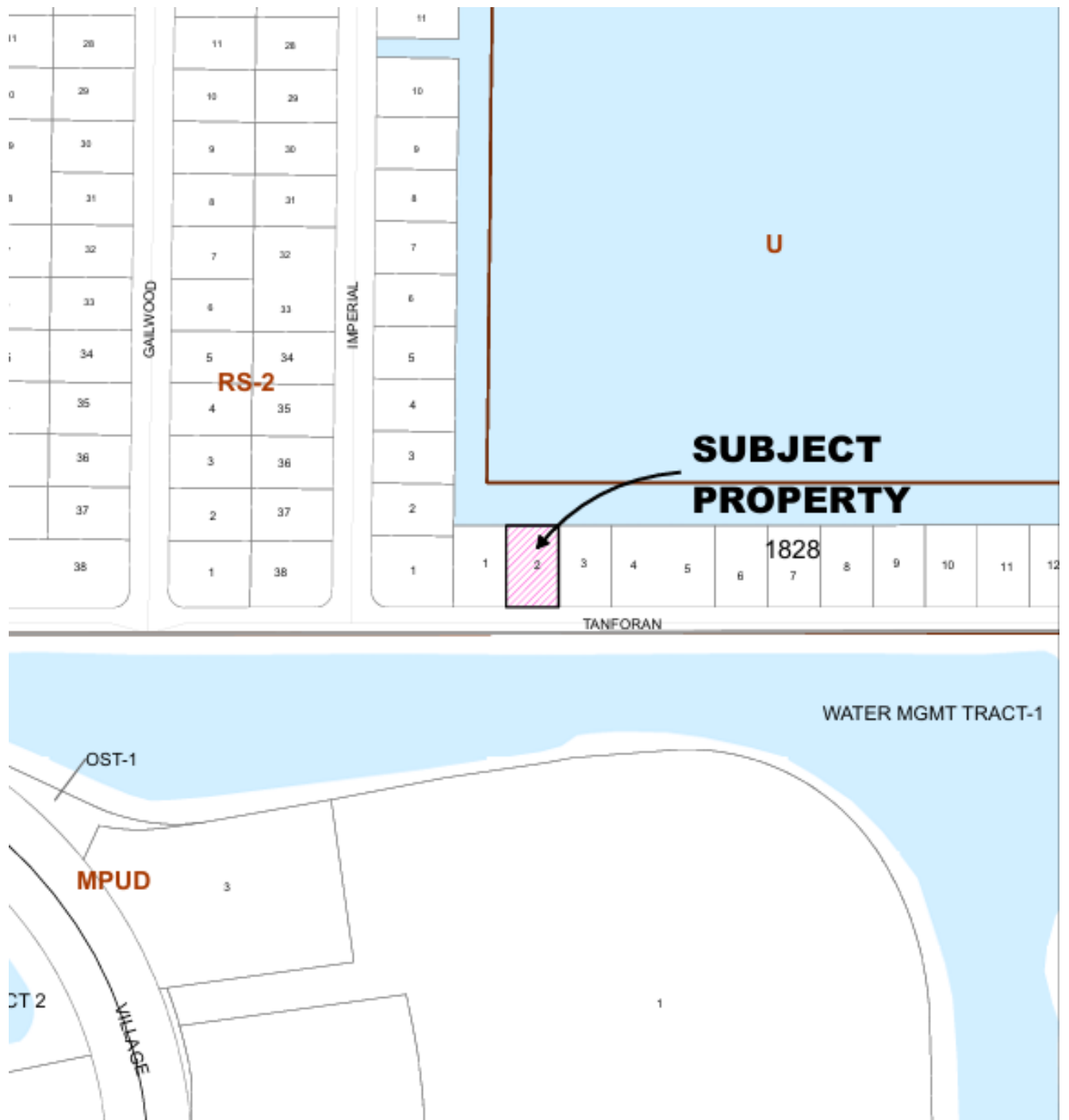
### **Location and Site Information**

Parcel Number:	3420-670-1996-000-3
Property Size:	0.23 acres (10,000 SF)
Legal Description:	Port St. Lucie Section 35, Block 1828 Lot 2
Address:	2681 SW Tanforan Blvd.
Future Land Use:	RL – Low Density Residential
Existing Zoning:	RS-2 – Single-Family Residential
Existing Use:	Single-Family Home

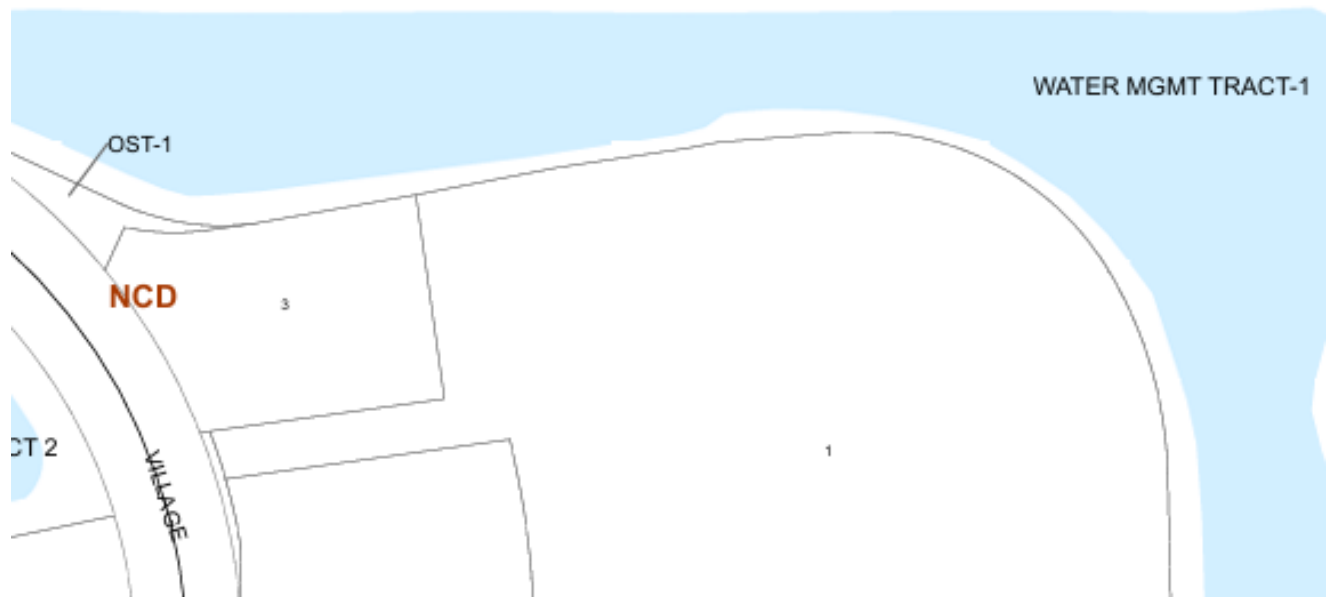
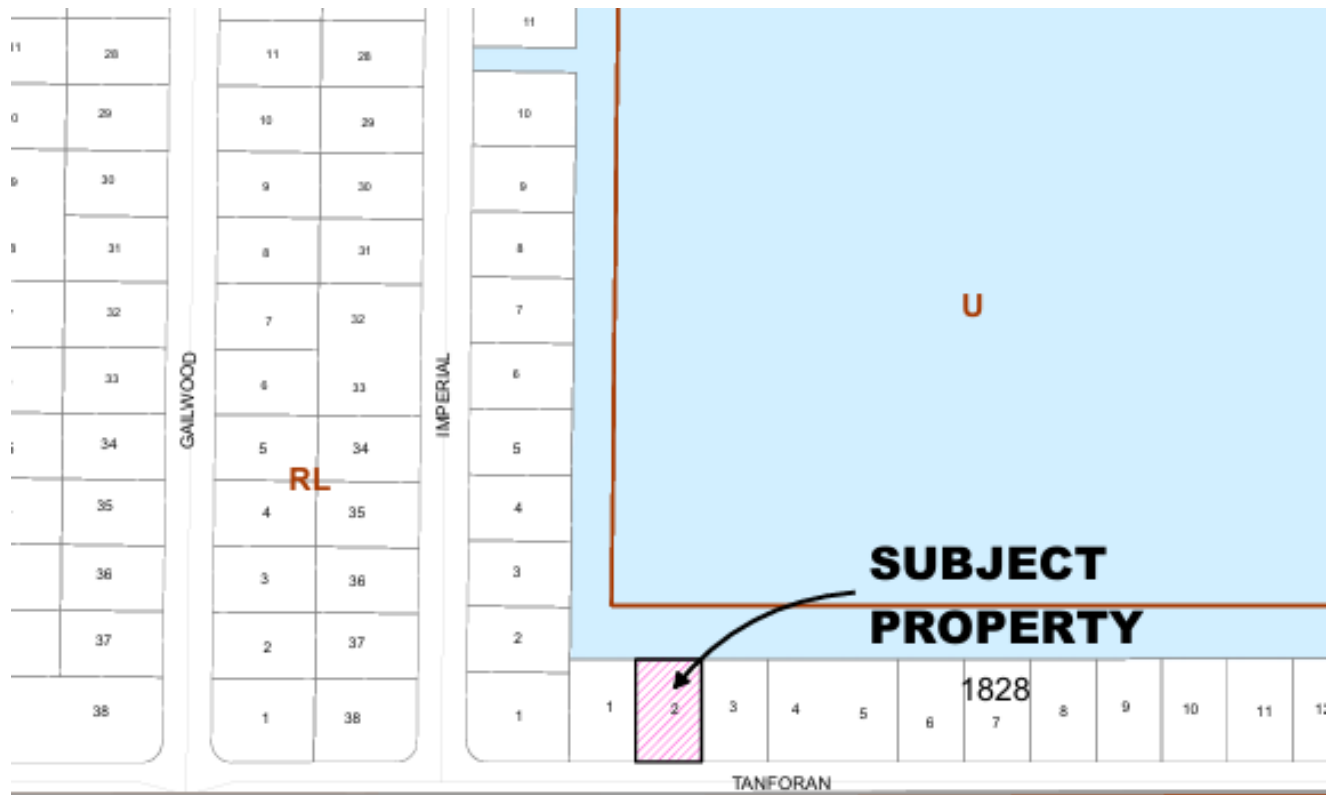
### **Surrounding Uses**

Direction	Future Land Use	Zoning	Existing Use
North	U	U	Water Retention Area
South	NCD	MPUD	Water Management Tract
East	RL	RS-2	Single-Family Home
West	RL	RS-2	Single-Family Home

RL (Low Density Residential) – RS-2 (Single Family Residential) – NCD (New Community Development) – MPUD (Master Planned Unit Development)



**Zoning Map**



Future Land Use Map

## IMPACTS AND FINDINGS

Section 158.295 (B) of the Zoning Code establishes the duties of the Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board may authorize a variance from the provisions of the Zoning Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. Pursuant to Section 158.296, a variance is authorized only for height, area, and size of structure, yard size, building setback, lot size requirements, and other applicable development regulations, excluding use. To authorize a variance, the Planning and Zoning Board should consider the criteria listed under Section 158.295 (B) (1) through (7) of the Zoning Code. The applicant's response to this criterion is attached to the application. Staff's review is provided below:

### **Compatibility with variance criteria Section 158.295 (B).**

- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
  - Applicant's Response: *A platting error caused the house to be built into the rear setback, which is a circumstance that is peculiar to the land and building involved and not applicable to other lands and buildings in the same zoning district.*
  - Staff Findings: *A survey error resulted in the residence being constructed within the rear setback. This condition is unique to the subject property and does not reflect a common issue within the zoning district. The setback encroachment is directly tied to the survey error, which distinguishes this case from other properties in the same zoning designation.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
  - Applicant's Response: *the conditions and circumstances are not a result from actions by the applicant.*
  - Staff Findings: *Due to a survey error, the residence was constructed within the rear setback area.*
- 3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.
  - Applicant's Response: *granting this variance does not confer special privilege to the applicant since it was due to an error and it does not grant the applicant any special privilege that is denied to other lands, buildings, or structures in the same zoning district.*
  - Staff Findings: *Granting of this variance will not confer special privileges on the applicant that is denied to other lands in the Single-Family (RS-2) Zoning District. The requested variance is a response to a unique survey error that resulted in the residence being built within the rear setback. The variance does not provide the applicant with a special privilege but rather seeks to remedy a condition which was not a result of any action of the applicant.*

- 4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.
- *Applicant's Response: the min. 25' rear setback requirement for the building is depriving the applicant the right to sell his home, which is a right commonly enjoyed by other properties in the same zoning district. The platting error which caused the house to be built in the rear setback is causing undue hardship on the applicant.*
  - *Staff Findings: Enforcement of the 25-foot rear setback requirement would prevent the applicant from selling the home, a right commonly exercised by other property owners in the same zoning district. The hardship is not self-imposed, but rather the result of a survey error that led to the home being constructed within the rear setback. Denial of the variance would impose unnecessary and undue hardship on the applicant without serving the intent of the zoning code.*
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- *Applicant's Response: allowing the house to be in the rear setback will make possible the reasonable use of the land and building.*
  - *Staff Findings: The request for this variance is the minimum possible that will allow the applicant to sell the existing home.*
- 6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- *Applicant's Response: granting the variance will not grant the applicant any special privilege that is denied by this chapter in the same zoning district. The house was built further back into the rear setback due to a platting error and if it were not, then the house would meet the required setbacks. Granting the variance would not grant the applicant any special privilege than what is currently allowed by other residents in the same zoning district.*
  - *Staff Findings: Granting the variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. The property backs up to a City-owned water management tracy and not another residential lot.*
- 7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.
- *Applicant's Response: This one you would indicate that you will be in full compliance with any additional conditions and safeguards that the Planning & Zoning Board or Zoning Administrator may prescribe.*

- Staff Findings: Acknowledged.

## PLANNING AND ZONING BOARD ACTION OPTIONS

The Board may choose to approve, deny or table the proposed variance. If the Board finds that the variance application is consistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code (listed above), then the Board may make a:

- Motion to approve the variance of 15.81 feet to allow the existing home to be in the rear setback.

If the Board finds that the variance application is inconsistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code, then the Board may make a:

- Motion to deny

Should the Board need further clarification or information from either the applicant and/or staff, the Board may make a:

- Motion to table or continue the hearing or review to a future meeting

***(NOTE TO APPLICANTS: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).***